

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

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§282.94 Utah State-Administered Program.

(a) The State of Utah is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Utah Department of Environmental Quality, was approved by EPA pursuant to 42 U.S.C. 6991c and part 281 of this Chapter. EPA approved the Utah program on March 8, 1995 and it was effective on April 7, 1995.

(b) Utah has primary responsibility for enforcing its underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under sections 9005 and 9006 of subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Utah must revise its approved program to adopt new changes to the federal subtitle I program which make it more stringent, in accordance with section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Utah obtains approval for the revised requirements pursuant to section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the FEDERAL REGISTER.

(d) Utah has final approval for the following elements submitted to EPA in Utah's program application for final approval and approved by EPA on March 8, 1995. Copies may be obtained from the Underground Storage Tank Branch, Utah Department of Environmental Quality, 168 North 1950 West, 1st Floor, Salt Lake City, Utah 84116.

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Utah Statutory Requirements Applicable to the Underground Storage Tank Program, 1995.

(B) Utah Regulatory Requirements Applicable to the Underground Storage Tank Program, 1995.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections

19-6-112; 19-6-113; 19-6-115; 19-6-402(8), (11), and (23); 19-6-404(2)(f), (j), and (m); 19-6-405.5; 19-6-407(2) and (3); 19-6-410(3) as it pertains to penalties, (4)(b), and (5); 19-6-416; 19-6-418; 19-6-420(2), (4)(a), (5)(b), and (9)(b); 19-6-424.5; 19-6-425; 19-6-426(5) and (6); and 19-6-427.

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-208-1; R311-208-2; R311-208-3; R311-208-4; R311-208-5; and R311-208-6.

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Sections 19-6-402 (3), (4), (9), (14), (15), (20), and (26); 19-6-403(1)(a) (i) and (iv); 19-6-404(2)(c); 19-6-405.5; 19-6-408; 19-6-409; 19-6-410; 19-6-411; 19-6-412; 19-6-414; 19-6-415; 19-6-416; 19-6-417; 19-6-419; 19-6-420 (1), (3)(a), (3)(b), (5)(c), and (6); 19-6-421; 19-6-422; 19-6-423; 19-6-424; and 19-6-426 (1) through (4) and (7).

(B) The regulatory provisions include: Administrative Rules of the State of Utah, Utah Administrative Code (1993), Sections R311-200-1 (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54); R311-201-2; R311-201-1; R311-201-3; R311-201-4; R311-201-5; R311-201-6; R311-201-7; R311-201-8; R311-201-9; R311-201-10; R311-201-11; R311-203-2; R311-206-2 (b) and (c); R311-206-4; R311-206-5 (b), (c), (d), and the words "compliance or" in (a); R311-206-6; R311-207-1; R311-207-2; R311-207-3; R311-207-4; R311-207-5; R311-207-6; R311-207-7; R311-207-8; R311-207-9; R311-209-1; R311-209-2; R311-209-3; and R311-209-4.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval", signed by the Attorney General of Utah on April 18, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Utah to EPA, April 18, 1994, though not incorporated by reference, is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the complete application in September 1993, though not incorporated by reference, is referenced as part of the approved underground storage tank

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program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in September 1993, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VIII and the Utah Department of Environmental Quality, signed by the EPA Regional Administrator on March 1, 1995, though not incorporated by reference, is referenced as part of the approved underground storage tank program under subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

[60 FR 52344, Oct. 6, 1995]

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APPENDIX A TO PART 282—STATE REQUIREMENTS INCORPORATED BY REFERENCE IN PART 282 OF THE CODE OF FEDERAL REGULATIONS

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Utah

(a) The statutory provisions include: Utah Code Unannotated (1994), Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, and Chapter 6, Part 4, Underground Storage Tank Act:

Section 19–6–109 Inspections authorized.

Section 19–6–402 Definitions, except (3), (4), (8), (9), (11), (14), (15), (20), (23), and (26).

Section 19–6–402.5 Retroactive effect.

Section 19–6–403 Powers and duties of board, except (1)(a) (i) and (iv).

Section 19–6–404 Powers and duties of executive secretary, except (2)(c), (2)(f), (2)(j), and (2)(m).

Section 19–6–407 Underground storage tank registration—Change of ownership or operation—Civil penalty, except (2) and (3).

Section 19–6–413 Tank tightness test—Actions required after testing.

Section 19–6–420 Releases—Abatement actions—Corrective actions, except (1) through (3)(b), (4)(a), (5) (b) and (c), (6), and (9)(b).

(b) The regulatory provisions include:

(1) Administrative Rules of the State of Utah, Utah Administrative Code (1993):

Section R311–200–1 Definitions, except (2), (5), (8), (10), (13), (20), (29), (42) through (49), (53), and (54).

Section R311–202–1 Incorporation by Reference.

Section R311–203–1 Definitions.

Section R311–203–3 New Installations.

Section R311–203–4 Notification.

Section R311–204–1 Definitions.

Section R311–204–2 Underground Storage Tank Closure Plan.

Section R311–204–3 Disposal.

Section R311–204–4 Subsequent Closure Notice.

Section R311–205–1 Definitions.

Section R311–205–2 Site Assessment Protocol.

Section R311–206–1 Definitions.

Section R311–206–2 Requirements for Issuance of Certificates, except (b) and (c).

Section R311–206–3 Application for Certificates.

Section R311–206–5 Revocation and Reissuance of Certificates, except (b), (c), (d), and the words “compliance or” in R311–206–5(a).

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